

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

**03 MDL 1570 (RCC)**

This document relates to:

**02 CV 6977 (RCC)**

KATHLEEN ASHTON, et al,  
Plaintiffs,  
v.

**NOTICE OF MOTION**

AL-QAEDA ISLAMIC ARMY, et al.  
Defendants.

**PLEASE TAKE NOTICE**, that upon the accompanying Memorandum of Law and all prior papers and proceedings herein, defendants Saleh Abdullah Kamel and Al Baraka Investment & Development Corporation, will move before the Honorable Richard Conway Casey, United States District Court for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, for the following relief:

(a) dismissal of the plaintiffs' Fourth Amended Complaint pursuant to Fed.

R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction; or

(b) should the Court exercise subject matter jurisdiction over Defendant s

Saleh Abdullah Kamel and Al Baraka Investment & Development

Corporation, dismissal of the plaintiffs' Fourth Amended Complaint

pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon

which relief can be granted;

(c) and for any such further relief as the Court deems just and proper.

Dated: March 19, 2004

Respectfully submitted,

/s/

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